

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
TACOMA DIVISION

DARRELL D. MACINTYRE,

Plaintiff,

vs.

CAROLYN W. COLVIN,
Acting Commissioner of Social Security,

Defendant.

Civil No. 3:14-CV-05253-KLS

ORDER

Based on the stipulation of the parties, it is hereby ORDERED that the above-captioned case be reversed and remanded pursuant to sentence four of 42 U.S.C. § 405(g) for further administrative proceedings, including, but not limited to, the following actions specified below. The Appeals Council will consult with its medical support staff to determine if Plaintiff meets or equals any listing given the evidence submitted since the State agency medical/psychological consultants reviewed the case. In the event that the Agency does not make a finding of disability based on the record, the case will be returned to an administrative law judge (ALJ) to take the following actions:

- Further consider, and specify the weight given to, the opinions of Dr. Coder (Tr. 468-

474), Dr. Smith (Tr. 451-455), Dr. Peterson (Tr. 243-247), Dr. Tapper (Tr. 501-506,
516-517), Dr. Marano (Tr. 576-583), Dr. Staley (Tr. 495, adopting Tr. 266-273), Dr.
Kraft and Dr. Kester (Tr. 262-265, 496), and Ellen Smith, M.S., CCC-A (Tr. 475-478).

- Further consider Plaintiff's subjective complaints.
- Further consider Plaintiff's residual functional capacity.
- Further consider the Department of Veterans Affairs disability rating (Tr. 565-572).
- If the sequential evaluation proceeds to step five, further consider with the assistance of additional vocational expert testimony Plaintiff's ability to perform other work in the national economy.

This case is reversed and remanded pursuant to sentence four of 42 U.S.C. § 405(g).

Upon proper presentation, this Court will consider Plaintiff's application for costs, expenses, and reasonable attorney's fees under the Equal Access to Justice Act, 28 U.S.C. § 2412.

DATED this 11th day of August, 2014.



Karen L. Strombom
United States Magistrate Judge

Presented by:

s/ Daphne Banay
DAPHNE BANAY
Special Assistant U.S. Attorney
Office of the General Counsel
Social Security Administration
701 Fifth Avenue, Suite 2900 M/S 221A
Seattle, WA 98104-7075
Telephone: (206) 615-2113
Fax: (206) 615-2531
daphne.banay@ssa.gov